

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PATRICK WAYNE NACOL

PLAINTIFF

V.

CIVIL NO. 1:14cv275-HSO-RHW

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security**

DEFENDANT

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS OF
FACT AND RECOMMENDATION [14], DENYING PLAINTIFF PATRICK
WAYNE NACOL’S MOTION FOR JUDGMENT ON THE PLEADINGS [9],
AND AFFIRMING DECISION OF COMMISSIONER**

This matter comes before the Court on the Proposed Findings of Fact and Recommendation [14] of United States Magistrate Judge Robert H. Walker, entered in this case on December 11, 2015. After due consideration of the Proposed Findings of Fact and Recommendation [14], Plaintiff Patrick Wayne Nacol’s Motion for Judgment on the Pleadings [9], the record, and all relevant legal authorities, the Court finds that the Magistrate Judge’s Proposed Findings of Fact and Recommendation should be adopted, that Plaintiff’s Motion should be denied, and the decision of the Commissioner should be affirmed.

I. BACKGROUND

On July 14, 2014, Plaintiff Patrick Wayne Nacol (“Plaintiff”) filed his Complaint [1] asserting that he “is entitled to disability benefits under the provision of the Social Security Act.” Compl. [1] at 2. Alternatively, Plaintiff requests that his case be remanded for a further hearing. *Id.* On January 5, 2015, Defendant Carolyn

Colvin, Acting Commissioner of the Social Security Administration

(“Commissioner”), filed an Answer [5] and the Administrative Record [6].

On March 10, 2015, Plaintiff filed his Motion for Judgment on the Pleadings [9]. The Commissioner’s Memorandum in Opposition [11] to Plaintiff’s Motion for Judgment on the Pleadings was filed on May 11, 2015. Plaintiff filed his Reply [13] to Defendant’s Memorandum in Opposition to Plaintiff’s Motion for Judgment on the Pleadings on June 9, 2015.

On December 11, 2015, United States Magistrate Judge Robert H. Walker entered the Proposed Findings of Fact and Recommendation [14], recommending that the decision of the Commissioner be affirmed. On December 28, 2015, Plaintiff requested and received an extension of time until January 19, 2016, to file any objections to the Proposed Findings of Fact and Recommendation. Motion [15]; December 30, 2015, Text Only Order. To date, no objection to the Proposed Findings of Fact and Recommendation has been filed.

II. DISCUSSION

Where no party has objected to a magistrate judge’s proposed findings of fact and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. §636(b)(1) (“a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made”). In such cases, the Court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that Magistrate Judge Walker's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt Magistrate Judge Robert H. Walker's Proposed Findings of Fact and Recommendation [14] as the opinion of this Court.

III. CONCLUSION

After a thorough review and consideration of Magistrate Judge Robert H. Walker's Proposed Findings of Fact and Recommendation [14] and the record as a whole, the Court concludes that the Magistrate Judge's Proposed Findings of Fact and Recommendation [14] should be adopted as the finding of this Court. Plaintiff's Motion for Judgment on the Pleadings [9] is not well taken and will be denied, and the Commissioner's decision will be affirmed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Magistrate Judge's Proposed Findings of Fact and Recommendation [14], entered in this case on December 11, 2015, 2015, is **ADOPTED** as the finding of this Court, Plaintiff's Motion for Judgment on the Pleadings [9] is **DENIED**, and the Commissioner's decision is **AFFIRMED**. A separate judgment will be entered in accordance with this Order, as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 25th day of January, 2016.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE